

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

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NRP HOLDINGS LLC AND NRP PROPERTIES
LLC,

Plaintiffs,

DECLARATION OF
RANDALL D. WHITE

vs.

Docket No.
11-CV-472-WMS-LGF

CITY OF BUFFALO, BYRON W. BROWN, STEVEN
M. CASEY, DEMONE A. SMITH, REV. RICHARD A.
STENHOUSE, JEREMIAH PARTNERSHIP FOR
COMMUNITY DEVELOPMENT, INC., JOHN DOE 1
– 10 AND JOHN DOE COMPANIES 1 – 5,

Defendants.

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RANDALL D. WHITE, Esq., makes this Declaration under penalty of
perjury, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted to practice law in New York State and a
partner in the firm CONNORS LLP, attorneys for defendants City of Buffalo, Byron
W. Brown, and Steven M. Casey in this action.

2. I file this declaration in support of the parties' joint motion for an
Order modifying the Fifth Amended Scheduling Order (Exhibit A, Dkt. No. 131) by
providing that fact discovery in this case shall conclude on December 30, 2016; that
all motions to compel fact discovery shall be filed on or before December 9, 2016;
and that a further pretrial discovery status conference be conducted on a date to be

scheduled by the Court. Attached as Exhibit B hereto is a proposed Sixth Amended Scheduling Order reflecting these revised dates.

3. The motion to modify the Fifth Amended Scheduling Order and extend discovery should be granted because the parties require additional time to complete fact discovery, including depositions and written discovery, and continuing to resolve or narrow discovery disputes prior to requesting the Court's involvement.

4. Since the Fifth Amended Scheduling Order was issued, the parties have conducted the depositions of Brian Reilly (February 12, 2016); Timothy Wanamaker (March 3, 2016 in Alexandria, Virginia); Demone Smith (April 22, 2016); and Peter Savage (May 11, 2016). The parties have served notices to conduct additional depositions which have not yet been scheduled.

5. The parties are continuing with written discovery, and have done so on a parallel path with depositions, so as to not unduly delay discovery. The parties have also been able to continue to discuss and resolve discovery issues without the necessity of Court intervention.

6. Since the Fifth Amended Scheduling Order was issued, the City Defendants have received approximately 5,000 pages of documents in response to a non-party subpoena served upon Belmont Housing Resources of WNY, Inc. Plaintiffs have served a Second Set of Interrogatories and a Third Set of Interrogatories upon some of the defendants who have served responses to both sets of interrogatories. Plaintiffs recently served separate Fourth Requests for

Production and Inspection of Documents and Things upon the City of Buffalo and Demone Smith and those requests are outstanding.

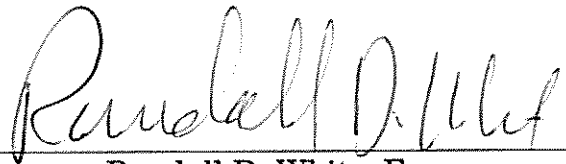
7. As the Court is aware, the case concerns a project that involved the plaintiffs, City employees in various departments, and numerous non-parties over a year and a half – two year time period. The case also involves other projects that are the subject of plaintiffs' RICO allegations. Two of the deponents were from out of town, which necessitated coordinating deponent and attorney travel schedules. In addition, the parties have been working to schedule the deposition of defendant, Steven M. Casey, who we are advised has recently retained new counsel. Because of the number of witnesses and potential deponents, including non-parties, and the additional written discovery items that are identified as depositions proceed, the parties need additional time to complete fact discovery.

CONCLUSION

8. For the foregoing reasons, the parties request that this Court grant an Order modifying the Fifth Amended Scheduling Order (Dtk. No. 131) by providing that fact discovery in this case shall conclude on December 30, 2016; that all motions to compel fact discovery shall be filed on or before December 9, 2016; and that a further pretrial discovery status conference shall be conducted on a date to be determined by the Court, as set forth more fully in the attached proposed Sixth Amended Scheduling Order (Exhibit B).

9. I declare under the penalty of perjury, that the foregoing is true and correct.

DATED June 9, 2016
Buffalo, New York

A handwritten signature in cursive script, reading "Randall D. White", written over a horizontal line.

Randall D. White, Esq.